

Request for Reconsideration  
Serial No. 10/717,265

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5000-1-481

**REMARKS****MAR 20 2008**

Reconsideration of all grounds of rejection in the Office Action and allowance of the pending claims are respectfully requested in light of the following remarks. Claims 1-20 remain pending herein. Claims 1, 2, 6, 7, 11, 12 and 16 are independent claims.

Claims 1-20 stand rejected under 35 U.S.C. §103(a) as allegedly being obvious over Grandpierre *et al.* (U.S. 6,816,684) ("Grandpierre ") in view of Hoshida (U.S. Pat. Appln. Pub. No. 2004/0223769). Applicant respectfully traverses this ground of rejection for the reasons indicated herein below.

With regard to the rejection under 35 U.S.C. §103(a), Applicant respectfully submits that the combination of Grandpierre and Hoshida fails, as a combination, to render any of the present claims obvious at least for the reason that the present claims recite in part that "said radio-frequency power being an error value of said input optical signal".

In fact, the combination of Grandpierre and Hoshida appears to be completely silent in this regard. Grandpierre is completely silent with regard to using radio-frequency power, and is also silent with regard to using an error value. In addition, in Hoshida, the receiving of the signal, filtering and the detected radio-frequency power is not an error value of the input optical signal. Hoshida discloses the RF power allows an analysis of optical signal to noise ratio (OSNR) and waveform distortion (page 3, paragraphs [0030 and 0038]). Thus, the combination of Grandpierre and Hoshida does not disclose, teach, suggest, or otherwise render obvious a monitoring unit as recited in the present

Request for Reconsideration  
Serial No. 10/717,265

5000-1-481

claims. Nor would the combination of elements have been obvious at the time of invention as being within the ordinary level of skill in the art.

An advantage of the presently claimed invention is that the optical signal quality can be monitored more simply and conveniently irrespective of a frame type of the optical signal without analyzing frame information of the optical signal (specification at page 12, lines 9-14). The combination of Grandpierre and Hoshida fails to render the presently claimed invention obvious, and does not provide at least the aforementioned advantage.

Accordingly, as all of the independent claims recite a monitoring unit in which "said radio-frequency power being an error value of said input optical signal", Applicant respectfully submits that the combination of Grandpierre and Hoshida would have failed to render the present claims obvious to a person of ordinary skill in the art at the time of invention.

For all the foregoing reasons, Applicant respectfully submits that claims 1-20 would not have been obvious to a person of ordinary skill in the art in view of the cited references. Nor would the combination of elements, as recited in claims 1 and 10, have been obvious to an artisan as being within the ordinary level of skill in the art (*KSR International v. Teleflex*, 127 S.Ct. 1727, 82 USPQ2d 1385 (2007)).

Applicant respectfully submits that for all the foregoing reasons, all grounds of rejection in the Office Action are overcome. A Notice of Allowance is respectfully requested.

In the event that any additional fee is required to continue the prosecution of this Application as requested, please charge such fee to Deposit Account No. 502-470. If the

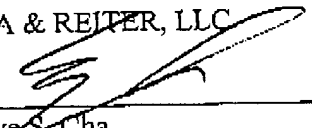
Request for Reconsideration  
Serial No. 10/717.265

5000-1-481

Examiner has any questions regarding this Application, it is respectfully requested that the Applicant's attorney of record be contacted at the below-noted telephone number.

Respectfully submitted,

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